

Appl. No. : 10/531,628
Confirmation No. : 8194
Applicant : Phillip M. Crudo, et al.

Filed : April 14, 2005
Title : STANDARDIZED BINDING
ELEMENTS

I, Robyn O'Neill, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of Signature

Robyn O'Neill

December 14, 2006

Examiner : Unknown

Docket No. : 017673-9042-01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED UNDER 37 C.F.R. §1.47(a)

12/19/2006 LLANDGRA 00000016 10531628

02 FC:1463 Sir: 200.00 OP

Applicants Phillip M. Crudo, Craig Simdon, Amy McManus, and Daniel C. Jones, along with Assignee-in-interest, General Binding Corporation, hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by other than all of the inventors.

Applicants have attached the Declaration of Julie Freeman that provides proof of the pertinent facts concerning the inability to reach Jason Magid to sign the required declaration in order to join in the present application for patent.

The full name and last known address of Mr. Magid is as follows:

Mr. Jason Magid
6326 W. Raven
Chicago, Illinois 60646

Formal application papers, including the required declaration document, were sent to Mr. Magid at his last know address but were returned as undeliverable, as evidenced by the documents presented in Exhibits A and B. These documents provide evidence of our attempts to have Mr. Magid execute the declaration. The documents were undeliverable to the listed address, which does not include an apartment number. Further attempts to determine an apartment number for Mr. Magid and to get in touch with him by phone have been unsuccessful.

In view of the inability to reach Mr. Magid to execute the papers required for filing the present application, Phillip M. Crudo, Craig Simdon, Amy McManus, and Daniel C. Jones, along with Assignee-in-interest, General Binding Corporation, are believed to be entitled to make such application on their behalf and on behalf of Mr. Magid.

A check in the amount of \$200.00 is enclosed for payment of the required fee under 37 C.F.R. 1.17(g). The Commissioner is hereby authorized to charge or credit Deposit Account No. 13-3080 with any under or overpayment of fees associated with this Petition. A duplicate copy of this communication is enclosed.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard L. Kaiser". The signature is written in a cursive style with a large, stylized "R" and "K".

Richard L. Kaiser
Reg. No. 46,158

Docket No.: 017673-9042-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(262) 956-6560



THE UNITED STATES PATENT & TRADEMARK OFFICE

Appl. No. : 10/531,628
Confirmation No. : 8194
Applicant : Phillip M. Crudo, et al.

Filed : April 14, 2005
Title : STANDARDIZED BINDING
ELEMENTS

Examiner : Unknown

Docket No. : 017673-9042-01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JULIE FREEMAN

Sir:

I, Julie Freeman, hereby declare:

1. I am a paralegal working for ACCO Brands Corporation, and in that capacity assist in intellectual property prosecution and management for General Binding Corporation, part of the ACCO Brands Corporation.

2. General Binding Corporation is the Assignee-in-interest of the invention shown and claimed in the above-identified patent application. Each of the inventors has previously assigned all right and title in the invention to General Binding Corporation via an assignment document recorded with the U.S. Patent Office on May 16, 2006 at reel/frame 017621/0815.

3. On information and belief, the invention shown and claimed in the above-identified patent application was conceived by the five named co-inventors, including the following individual:

Mr. Jason Magid
6326 W. Raven
Chicago, Illinois 60646

4. Our prior outside patent council, Leydig, Voit & Mayer, LTD., filed the application on April 14, 2005, without an executed Declaration and Power of Attorney document. On September 26, 2005 the U.S. Patent Office mailed a Notification of Missing Requirements under 35 U.S.C. 371, however, it is my understanding that the Notification was never received by Leydig, Voit & Mayer, LTD. It was not until October 20, 2006, that our current outside patent council, Michael Best & Friedrich LLP, learned that the case was abandoned for failure to respond to the Notice with the required executed Declaration of the inventors.

5. On October 30, 2006, we instructed Michael Best & Friedrich LLP to take the appropriate steps to revive the abandoned application. On November 1, 2006, they provided me with a Declaration and Power of Attorney document to be executed by all of the named inventors, which was to accompany the petition to revive. Inventors Crudo, Simdon, McManus, and Jones have executed the Declaration and Power of Attorney document.

6. I sent a letter to Mr. Magid at his last known address on November 3, 2006, which included a request to sign and return an attached copy of the Declaration and Power of Attorney document by November 13, 2006. I also enclosed a self-addressed return envelope. Copies of these documents are attached as Exhibit A. These documents were sent by Federal Express delivery service as evidenced by the shipping label and tracking updates email also attached as Exhibit A.

7. The letter and Declaration and Power of Attorney document described in paragraph 6 could not be delivered to Mr. Magid's last known address because the address was an apartment building with multiple units, and Federal Express could not determine which unit belonged to Mr. Magid. The Federal Express Tracking Details evidencing the unsuccessful attempt to make the delivery are attached as Exhibit B.


8. After learning of the failed delivery, I checked with my company's Human Resources department to verify the last known address of Mr. Magid. Their records included the same last known address listed above in paragraph 3.

9. I next checked with the other inventors on the application to see whether any had contact information for Mr. Magid. None did.

10. I then checked with another General Binding Company employee who previously worked with Mr. Magid. That employee provided me with what he believed to be both a home phone number and a cell phone number for Mr. Magid. I have made multiple attempts to call the home phone number, and each time I get a message that the mailbox is full. I have also made multiple attempts to call the cell phone number, but I get a message asking me to dial an additional number, which I do not have.

11. I have taken reasonable steps to locate and get in touch with Mr. Magid, but have been unable to reach him, based on the facts outlined above. Therefore, I have not been able to provide him with the Declaration and Power of Attorney document he must execute for the patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Julie Freeman

12-12-2006
Date



ACCO BRANDS CORPORATION

300 Tower Parkway
Lincolnshire, Illinois 60069-3640
Tel 847.541.9500
Fax 847.478.0073
accobrand.com

Via Federal Express

November 3, 2006

Jason Magid
6326 W. Raven
Chicago, IL 60646

Re: US Declaration & Power of Attorney
US Application No. 10/531,628 for STANDARDIZED BINDING ELEMENTS, filed April
14, 2005
Our Reference: MBF 017673-9042-01

Dear Jason:

Enclosed please find Declaration / Power of Attorney for the above referenced United States patent application. At your earliest convenience, but no later than November 13, 2006, please review, sign, date and return two copies of the document to my attention in the enclosed envelope. I have also included a copy for your file.

If you have any questions regarding the enclosed, please do not hesitate to contact me.

Kind regards,

ACCO BRANDS CORPORATION

A handwritten signature in cursive script that reads "Julie Freeman".

Julie Freeman
Paralegal

/jf

Encl.

EXHIBIT

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A

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled STANDARDIZED BINDING ELEMENTS (Attorney Docket No. 017673-9042-01), the specification of which was filed with my authority, on April 14, 2005 as Application Serial No. 10/531,628 (which is a 371 National Phase of PCT/US2003/33386, filed on October 21, 2003).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

As a named inventor, I hereby appoint the registered practitioners associated with the customer number identified below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; and request that the Office direct all communications in or pertaining to this application to:

Customer Number

65040

I hereby claim priority benefit under Title 35, United States Code, §119 of the provisional U.S. patent application listed below:

Application Serial No.
60/420,022

Filing Date
21 October 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Phillip M. Crudo

Inventor's signature: _____
Residence: Round Lake, Illinois
Citizenship: United States
Post Office Address: 250 West Prairie Lane
Round Lake, IL 60073

Date: _____

Full name of second joint inventor: Craig Simdon

Inventor's signature: _____
Residence: Des Plaines, Illinois
Citizenship: United States
Post Office Address: 130 E. Northwest Highway, Unit G
Des Plaines, IL 60016

Date: _____

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Full name of third joint inventor: Jason Magid

Inventor's signature: _____
Residence: Chicago, Illinois
Citizenship: United States
Post Office Address: 6326 W. Raven
Chicago, IL 60646

Date: _____

Full name of fourth joint inventor: Amy McManus

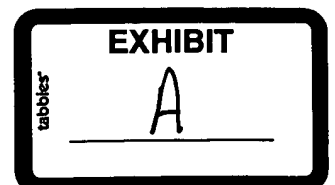
Inventor's signature: _____
Residence: Chicago, Illinois
Citizenship: United States
Post Office Address: 3151 North Lincoln Ave., #211
Chicago, IL 60657

Date: _____

Full name of fifth joint inventor: Daniel C. Jones

Inventor's signature: _____
Residence: Romeoville, Illinois
Citizenship: United States
Post Office Address: 1814 Fieldstone Court
Romeoville, IL 60446

Date: _____



From: Origin ID: (847)484-3889
Julie Freeman
ACCO Brands
300 Tower Parkway

Lincolnshire, IL 60069



CLB 809 206/18/23

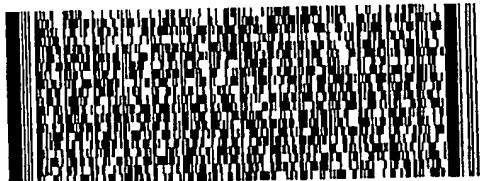
SHIP TO: (847)484-3889

BILL SENDER

Jason Magid

6326 W. Raven

Chicago, IL 60646



Ship Date: 03NOV06
ActWgt: 1 LB
System#: 9357967/INET2500
Account#: S *****

REF: 017673-9042-01 Magid



Delivery Address Bar Code

STANDARD OVERNIGHT

MON

Deliver By:
06NOV06

TRK# 7906 0040 2350

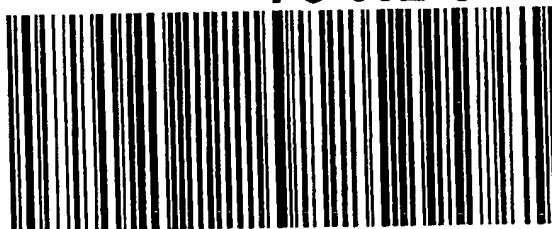
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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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From: Origin ID: (847)484-3889
Jason Magid

6326 W. Raven

Chicago, IL 60646



CLB 000004/10/23

SHIP TO: (847)484-3889

BILL SENDER

Julie Freeman
ACCO Brands
300 Tower Parkway

Lincolnshire, IL 60069

Ship Date: 03NOV06
ActWgt: 1 LB
System#: 9357967/INET2500
Account#: S *****

REF: 017673-9042-01 Magid



Delivery Address Bar Code



RMA #: D17673-9042-01 Magid
Return Reason:

STANDARD OVERNIGHT

FedEx
Returns

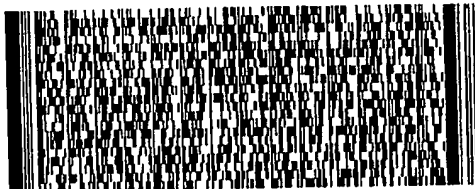
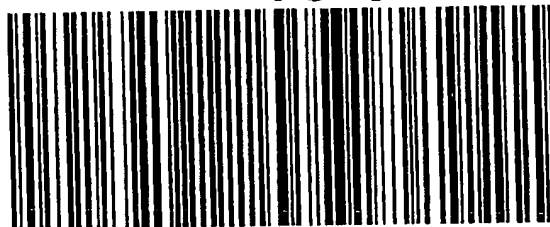
TRK# 7911 6028 3563

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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Return Shipment Instructions

Preparing Return Packages:

- Pack items in a sturdy box using cushioning materials to keep them secure.
- Remove or black out any old shipping labels, including the original shipping bar code.
- Seal the box with shipping tape.
- Affix one label to each box. (If you do not have enough labels, you must obtain additional labels from the company that provided them.)
- Keep this as your receipt. You may have your FedEx Ground driver sign below.

Options To Ship Return Manager Packages:

Drop Off

- Log on to FedEx.com and select the orange "Locations" tab to find the closest drop-off location.
- Call 1-800-Go-FedEx®, (800)463-3339 to find the closest drop-off location.

Pick Up (for business locations ONLY)

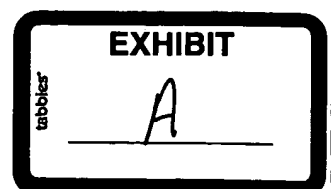
- Have your label ready when you call (888)777-6040 to schedule a commercial pickup from your business location.
- Please be prepared to provide the tracking number. Note: these are the set of numbers printed under the large bar code on the shipping label.

PICKUP RECEIPT

Tracking Number: _____

Package returning to: _____

Driver Signature: _____ Date: _____



Freeman, Julie

From: TrackingUpdates@fedex.com
Sent: Friday, November 03, 2006 3:23 PM
To: Freeman, Julie
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Name: Jason Magid

E-mail: 'not provided by requestor'

Jason Magid sent Julie Freeman of ACCO Brands 1 FedEx Standard Overnight package(s).

This shipment is scheduled to be sent on 11/03/2006.

Reference information includes:

Reference:	017673-9042-01 Magid
RMA:	017673-9042-01 Magid

The tracking number(s) is (are)
791160283563

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

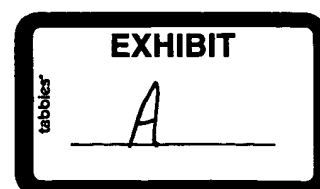
To learn more about FedEx Express, please visit our website at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Disclaimer

FedEx has not validated the authenticity of any email address.

11/10/2006



Freeman, Julie

From: TrackingUpdates@fedex.com
Sent: Monday, November 06, 2006 11:29 AM
To: Freeman, Julie
Subject: FedEx Delivery Exception

This tracking update has been requested by:

Company Name: ACCO Brands

Name: Julie Freeman

E-mail: julie.freeman@acco.com

FedEx attempted, but was unable to complete delivery of the following shipment:

Tracking number:	790600402350
Reference:	017673-9042-01 Magid
Ship (P/U) date:	Nov 3, 2006
Estimated delivery:	Nov 6, 2006
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.5 LB

Special handling/Services
Deliver Weekday
Residential Delivery

Reason Delivery Not Completed
1. Incorrect Address

Recommended Action
Contact us at
<https://www.fedex.com/fedexiv/us/info/contactus.jsp>
to provide correct delivery address and/or
additional delivery information.

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:28 AM CST on 11/06/2006.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

Estimated Delivery displayed above is not valid for Money-Back Guarantee or delay claim purposes. Shipments delayed because of Customs or other regulatory delays are not subject to refund or credit under FedEx Money-Back Guarantee Policy. Please see FedEx Service Guide for terms and conditions of service, including FedEx Money-Back Guarantee. For more information, please contact your FedEx Customer Support representative.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the

11/10/2006

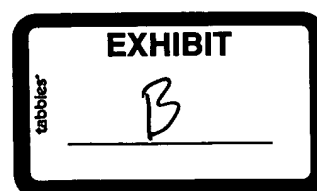
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request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

11/10/2006



Handwritten signature and date: 11/10/06

From: Origin ID: (847)484-3889
Jude Freeman
ACCO Brands
300 Tower Parkway
Lincolnshire, IL 60069



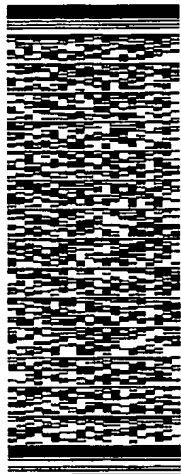
SHIP TO: (847)484-3889

Jason Magid

6326 W. Raven

Chicago, IL 60646

BILL SENDER



EXCEPTION / SEND AGAIN

Customer's Package/Shipment was delayed due to:

FOR IN STATION USE ONLY

☒ Package Researched Date: 11/7 Initial: KL

Comments: LFT mss

RTS 11/10

- ☐ Address is correct/Recipient no longer at this address
- ☐ Incorrect recipient address/incomplete recipient address
- ☐ Need apartment or suite number
- ☐ Recipient moved and left no forwarding address or phone number
- ☐ Not in / Business closed / Not authorized to leave shipment without a signature
 - ☐ 1st Attempt
 - ☐ 2nd Attempt
 - ☐ 3rd Attempt
- ☐ Signature required, please contact shipper for disposition
- ☐ Holiday - Closed
- ☐ Package not attempted (reason): _____
- ☐ Refused (reason): _____
- ☐ Future delivery. Reattempt on (date): _____
- ☐ Recipient requested hold for pickup
- ☐ Collect on Delivery. Payment not available. Reattempt to be made on (date): _____
- ☐ Bill recipient shipment, Payment not available. Reattempt to be made on (date): _____
- ☐ Other: _____

Date: _____ Employee #: _____

POD MUST BE OBTAINED WHEN DELIVERY IS COMPLETED.

STANDARD OVERNIGHT

TRK# 7906 0040 2350

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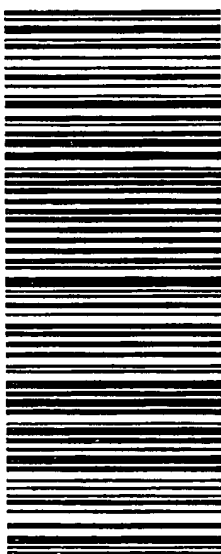
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Deliver By: 06NOV/06

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POD MUST BE OBTAINED WHEN DELIVERY IS COMPLETED

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Freeman, Julie

From: TrackingUpdates@fedex.com
Sent: Wednesday, November 08, 2006 1:02 PM
To: Freeman, Julie
Subject: FedEx Delivery Exception

This tracking update has been requested by:

Company Name: ACCO Brands

Name: Julie Freeman

E-mail: julie.freeman@acco.com

FedEx attempted, but was unable to complete delivery of the following shipment:

Tracking number:	790600402350
Reference:	017673-9042-01 Magid
Ship (P/U) date:	Nov 3, 2006
Estimated delivery:	Nov 6, 2006
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.5 LB

Special handling/Services
Deliver Weekday
Residential Delivery

Reason Delivery Not Completed
1. Unable to deliver shipment,
returned to shipper

Recommended Action
No action is required. The package is being
returned to the shipper.

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:01 PM CST on 11/08/2006.

To learn more about FedEx Express, please visit our website at fedex.com.

All weights are estimated.

Estimated Delivery displayed above is not valid for Money-Back Guarantee or delay claim purposes. Shipments delayed because of Customs or other regulatory delays are not subject to refund or credit under FedEx Money-Back Guarantee Policy. Please see FedEx Service Guide for terms and conditions of service, including FedEx Money-Back Guarantee. For more information, please contact your FedEx Customer Support representative.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

11/10/2006

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Thank you for your business.

11/10/2006

